

**77-40-104 Eligibility for expungement of records of arrest, investigation, and detention -- Requirements.**

- (1) A person who has been arrested or formally charged with an offense may apply to the bureau for a certificate of eligibility to expunge all records of arrest, investigation, and detention which may have been made in the case, subject to the following conditions:
  - (a) at least 30 days have passed since the arrest for which a certificate of eligibility is sought;
  - (b) there are no criminal proceedings pending against the petitioner; and
  - (c) one of the following occurred:
    - (i) charges were screened by the investigating law enforcement agency and the prosecutor has made a final determination that no charges will be filed in the case;
    - (ii) the entire case was dismissed with prejudice;
    - (iii) the person was acquitted at trial on all of the charges contained in the case; or
    - (iv) the statute of limitations has expired on all of the charges contained in the case.
- (2) Notwithstanding Subsection (1)(a), a petitioner seeking expungement under Subsection (1)(c) (iii) shall be issued a certificate of eligibility on an expedited basis.

Amended by Chapter 136, 2012 General Session